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Cloudcroft Police Departments Policy on Use of Force and Use of Deadly Force

3 messages

Matt Flotte <CPD1@tularosa.net>
To: dmontoya@nmag.gov

Wed, Dec 21, 2016 at 12:06 PM

If you need anything else please let me know!

Matt Flotte
Cloudcroft Chief of Police
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2 attachments



4.4 Use of Deadly Force(DONE).doc
47K



4.3 Use of Non-deadly Force (DONE).doc
40K

Montoya, Darlene <dmontoya@nmag.gov>
To: Matt Flotte <CPD1@tularosa.net>

Wed, Dec 21, 2016 at 3:31 PM

Chief Flotte:

We also need to know how often they are reviewed and/or reviewed and how often staff receives training on these policies.

Please let me know and I will print out your email to attach to the policies you sent.

Thank you in advance for your time and attention to this matter.

[Quoted text hidden]

—
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:505.490.4854)

Matt Flotte <CPD1@tularosa.net>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Tue, Dec 27, 2016 at 9:20 AM

All of our policies are reviewed regularly, as certain case law or civil penalty laws may change how we operate. As you can see, our policies were recently re written and some revisions have already been made. If there was ever a "lull" in court cases affecting us in law enforcement, we would review on a yearly basis. Our officers receive training internally by acknowledging the policies and are given the opportunity for input. In addition, training is received through NMLEA requirements in legal updates, etc.

[Quoted text hidden]

CLLOUDCROFT POLICE DEPARTMENT

USE OF NON-DEADLY FORCE

USE OF NON-DEADLY FORCE

CODIFIED: 4-3
EFFECTIVE: 6/30/2015
REVISED:
PAGES: 2

PURPOSE

The purpose of this regulation is to establish guidelines for the use of non-deadly force.

DISCUSSION

This regulation applies to all applications of non-deadly force including, but not limited to, empty hand techniques, use of less lethal weapons, and less than lethal weapons.

POLICY

Use of Force decisions will follow the standard of the NMLEA Reactive Control Model (RCM).

It shall be the policy of the Department to use only that degree of force reasonable to perform official duties, and not strike or use physical force against any person except when necessary in self defense, in defense of another, to overcome physical resistance to arrest, or to prevent the escape of an arrested person. Upon the use of any force in which injuries occur, it shall be the policy of the Department to:

- Render first aid treatment,
- Seek medical assistance for treatment beyond Officer's abilities.

PROCEDURE

All less lethal weapons and less than lethal weapons shall be deployed in accordance with the training provided by the manufacturer of those weapons, recognized instructors, and/or NMLEA.

Only weapons inspected and approved by the Chief of Police may be carried. Defective, unsafe or unauthorized weapons shall not be carried.

REPORTING REQUIREMENTS

4-3-01 Use of Force -

The Chief of Police shall be informed immediately of each incident involving the use of non-deadly force by officers and will investigate the circumstances surrounding the incident.

A Department approved use of force form shall be submitted to the Police Chief whenever an Officer takes an action that results in, or is alleged to have resulted in the injury of another person.

4-3-02 Restraining Force -

The Chief of Police will be notified immediately when force is used to restrain a subject. The Chief of Police shall investigate the incident and if determined that restraining force was necessary and when there were no injuries, a use of force letter shall not be required.

If a subject is placed on their stomach for handcuffing, turn them on their side or place them in a seated position as soon as possible.

4-3-03 Physical or Defensive Force-

A Department approved use of force form shall be submitted to the Police Chief whenever physical or defensive force is used and results in or is alleged to have resulted in an injury or when less than lethal weapons (Taser, ASP/Baton) are deployed.

IMPACT WEAPONS: ASP/BATONS

4-3-04 The ASP and Batons shall be worn and used only by those Officers trained in the use of said weapon.

Officers shall use said weapons in accordance with the training provided by the Department or NMLEA.

TASER

4-3-05 TASER weapons shall be carried or used only by those officers trained in the use of such weapons.

TASER weapons shall be deployed in accordance with the training provided by the manufacturer of the weapon, department instructors or the NMLEA. Only TASER weapons and cartridges issued by the department shall be carried or used.

4-3-06 Method of Deployment

A. TASER weapons are not a replacement for the firearm. Officers using the TASER should be accompanied by a back-up officer carrying a firearm loaded with regular duty ammunition for their protection in the event the TASER fails to stop the subject.

B. Because the TASER emits an electrical charge, its use should be avoided in areas containing flammable vapors or an explosive hazard.

C. Officers bringing TASER weapons to a scene of possible use shall communicate the deployment of the TASER to other officers on that scene so officers do not mistake the "pop" of the TASER for a gun shot.

D. Officers shall adhere to the following procedures when TASER weapons are used:

-The Chief of Police will be notified immediately.

-Any injuries should be photographed, if possible.

-The expended probes, cartridges, and ID tags shall be recovered if possible and placed into evidence. The probes should be

treated as "sharps" with a potential of biohazard.

4-3-07 Guidelines for Removal of TASER probes.

Do not attempt to remove probes if the subject is combative or if the location of the probe is in the face, ear, neck, breast, groin, or if it is deeply imbedded. Removal of probes from these areas requires medical attention.

Probes that are superficially in the skin may be removed by an officer who is trained to do so and in the presence of another officer.

-Use latex gloves for removal of probes.

-Place the removed probes in the spent cartridge and retain for evidence.

-Clean wounds and apply a band-aid.

4-3-08 Qualification and Training-

All TASER training and qualifications shall be monitored by the Chief of Police.

Only officers that demonstrate proficiency and competence with the TASER shall carry and use TASER weapons.

CLLOUDCROFT POLICE DEPARTMENT

USE OF DEADLY FORCE

USE OF DEADLY FORCE

CODIFIED: 4-4
EFFECTIVE: 6/30/2015
REVISED: 11/29/16
PAGES: 3

PURPOSE

The purpose of this regulation is to establish guidelines for the use of deadly force by Officers of the Department.

DISCUSSION

This regulation applies to all applications of deadly force including, but not limited to, the use of firearms. The most important principle of law enforcement is the **PROTECTION OF HUMAN LIFE**. In order to be consistent with this belief, use of deadly force must be limited to situations of a strong and compelling need as necessary for the protection of human life.

POLICY

Use of Force decisions will follow the standard of the NMLEA Reactive Control Model (RCM).

It shall be the policy of the Department to use only that degree of force that is reasonable to perform official duties. The use of deadly force is authorized when there is reasonable belief that such force is necessary to:

- Prevent the imminent death of, or great bodily harm to the Officer;
- Prevent the imminent death of, or great bodily harm to another human being;
- Apprehend the perpetrator of a felony which involves the use or threatened use of deadly force, and the individual who is sought poses an immediate threat to the life

and/or safety of the Officer or another human being(s), and, where feasible, a warning is given.

DEFINITIONS

Great/Serious Bodily Harm: A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in the malfunction of any bodily member or organ.

Reasonable Belief: The totality of facts or circumstances the Officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar manner under similar circumstances.

Imminent Death: An **immediate** threat to the life and/or safety of the Officer or another human being [s].

PROCEDURE

RESTRICTIONS ON THE USE OF DEADLY FORCE

4-4-01 Warning shots are prohibited. The discharge of firearms for warning shots constitutes deadly force. When the use of deadly force is warranted, Officers shall fire for effect and not for warning.

Shooting at or from a moving vehicle is a dangerous and generally ineffective practice, and is not authorized unless the Officer reasonably believes that an occupant of the vehicle is using or threatening to use deadly force by a means other than the vehicle, and/or a vehicle is operated in a manner deliberately intended to strike an Officer or a citizen, and other reasonable means of defense have been exhausted, including moving out of the path of the vehicle.

SHOTS TO DESTROY ANIMALS

4-4-02 The killing of an animal is justified:

- For self defense;
- To prevent substantial harm to another;
- To euthanize an injured or sick game or non-game animal.

The killing of vicious animals will be guided by the same rules set forth for self-defense and the defense and safety of others.

NON-DISCIPLINARY RELIEF FROM DUTY

4-4-03 In every instance in which an Officer's actions or use of deadly force results in death or serious bodily injury to any person, the Officer shall be relieved of normal duty. This shall follow the initial on scene investigation.

REPORTING THE USE OF DEADLY FORCE

4-4-04 The Police Chief will be immediately notified of all incidents involving the use of deadly force, or when an Officer takes an action that results in, or is alleged to have resulted in, the death or serious injury of another person. All such incidents will be documented by a Department approved use of force form that will be submitted to the Police Chief.

REPORTING THE DISCHARGE OF FIREARM

4-4-05 Whenever an Officer discharges a firearm, while on duty or off-duty, for any reason other than training or recreation, they shall immediately report the incident to the Chief of Police. An incident report will be prepared containing the pertinent facts.

This reporting procedure does not apply to the euthanization of animals.

OFFICER INVOLVED SHOOTING OR OTHER USE OF DEADLY FORCE

4-4-06

A. Whenever an Officer discharges a firearm, or uses any other manner of deadly force, either accidentally or officially, they shall:

-Immediately notify the Chief of Police of the incident and location;

- Determine the physical condition of any injured person and render first aid when appropriate;

- Request necessary emergency medical aid;

- Remain at the scene (unless injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the Officer at the scene might cause a more hazardous situation to develop, the Chief of Police shall have the discretion to instruct the Officer to move to another more appropriate location;

- Protect the weapon for examination and submit said weapon to the appropriate investigator. The officer may be issued a replacement weapon until examination is complete.

- Cooperate with the investigating officers arriving at the scene by relating as much basic information as possible.

B. All preliminary information may be ascertained from the officer, or in later interviews as governed by law and department policy.

C. The Officer shall not discuss the case with anyone except:

- Supervisory and assigned investigative personnel;

-The Officer's privately retained legal counsel.

D. Until an investigative team arrives on scene, Officers shall make every attempt to:

-Ensure that the scene is rendered safe and secure for further investigation, and limit access to authorized personnel;

-Locate, identify, and isolate witnesses;

-Assign officer to maintain crime scene log;

-Notify Police Chief

-Establish command post and media briefing area, if necessary;

-Assign Public Information Officer, when necessary. All releases, statements, and media interviews must be approved by the Chief of Police before release;

E. The Police Chief or his designee shall:

-Obtain account of the incident from involved employee(s) and conduct briefings for investigative personnel;

-Instruct involved employees not to discuss any details of the incident with anyone other than the Chief of Police, assigned investigators, or their privately retained attorneys;

-Remove involved officer from the scene as soon as practical and take to the station or other secured location;

-Assign uninvolved employee "companion officer" to accompany and remain with the involved officer. The companion officer should not discuss the details of the incident with involved employee;

-Ensure that involved officer's weapon is seized, and the officer receives another duty weapon, if appropriate;

-Instruct the involved officer(s) to complete all appropriate incident and use of force reports by the end of their shift, unless specifically authorized by the Chief of Police, and to forward those reports through the chain of command for review and for determination of final disposition;

-Place involved employee on administrative leave pending administrative review of incident..

F. In the event a Department employee is seriously injured or killed:

-The Chief of Police or his designee will facilitate personal notification of next of kin, and make arrangements to transport family to the hospital or other appropriate location.

-Assign designee to serve as Department liaison to assist family at hospital, funeral, burial, and all legal proceedings.

-Crisis intervention services, Chaplains, or professional psychologists may be summoned to aid employee, employee's family, and peer group as needed.

-Notify the Village Clerk to assist family with legal and benefit matters.

4-4-07 Criminal Investigation –

A. When appropriate, the Department will consult with surrounding agencies for assistance to all officer involved shootings or use of deadly force investigations, and may have an agency or agencies assume crime scene responsibility.

B. The investigative team shall:

-Notify the on-call Assistant or Deputy District Attorney;

-Ensure the scene is properly documented, photographed, video taped, and diagramed;

-Ensure that all evidence is properly processed and collected;

-Ensure that all rounds fired are accounted for, if possible;

-Interview all witnesses, victims, and involved employees;

-Cause blood, urine, or breath samples to be legally collected from involved officer(s), if investigation warrants it.

-Cooperate fully with assigned internal investigators.

4-4-08 Internal Affairs - When appropriate, the Police Chief will initiate an internal affairs investigation of all officer involved shootings or use of deadly force in accordance with established internal investigation procedures.